

**KRONENBERGER BURGOYNE, LLP**

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**Attorneys for Plaintiff**

Quick Learning, LLC

a Texas Limited Liability Company

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**Quick Learning, LLC**, a Texas Limited  
Liability Company,

Plaintiff,

vs.

**QUICKLEARNING.COM**, an Internet  
domain name,

Defendant.

Case No. C-07-06456-MHP

**NOTICE OF APPLICATION AND  
APPLICATION FOR DEFAULT  
JUDGMENT BY COURT;  
DECLARATION OF DEEPA  
KRISHNAN IN SUPPORT THEREOF**

[[Proposed] Default Judgment Filed  
Concurrently Herewith]

Date: April 14, 2008

Time: 2:00 p.m.

Courtroom: 15, 18<sup>th</sup> Floor

KRONENBERGER BURGOYNE, LLP  
150 Post Street, Suite 520  
San Francisco, CA 94108  
www.KronenbergerLaw.com

1           **PLEASE TAKE NOTICE THAT** on April 14, 2008 at 2:00 p.m., or as soon as  
2 thereafter as this matter may be heard by the above-entitled Court, located at 450  
3 Golden Gate Ave., San Francisco, CA 94102, Plaintiff Quick Learning, LLC ("Plaintiff" or  
4 "Quick Learning") will present its Application for Default Judgment By Court (the  
5 "Application") as to the domain name QUICKLEARNING.COM (the "Domain").

6           Plaintiff filed its Complaint for Cybersquatting *In Rem* (the "Complaint") on  
7 December 21, 2007. (Declaration of Deepa Krishnan In Support of Application for  
8 Default Judgment By Court ("Krishnan Decl."), ¶ 3.) Plaintiff served the Complaint and  
9 Summons on the registrant of the Domain via Certified Mail, First Class Mail, Overnight  
10 Mail (Federal Express), and e-mail on December 28, 2007, pursuant to 15 U.S.C. §  
11 1125(d)(2)(B), as evidenced by the Proof of Service filed with the Court on January 23,  
12 2008. (*Id.*) The Clerk of the Court (the matter was previously pending before U.S.  
13 Magistrate Judge Howard R. Lloyd) entered default as to QUICKLEARNING.COM on  
14 January 31, 2008. (*Id.* ¶ 5 & Exh. "A".) Plaintiff now seeks default judgment based on  
15 the following facts:

16  
17           1. QUICKLEARNING.COM is not an infant or incompetent person or in the  
18 military service or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of  
19 1940. (*Id.* ¶ 8.)

20           2. In its Complaint, Plaintiff alleged a cause of action for Cybersquatting Under  
21 Section 43(d) of The Lanham Act, 15 U.S.C. §1125(d)(2)(A), against the Domain.  
22 Plaintiff's Complaint requests injunctive relief against the Domain under 15 U.S.C.  
23 §1125(d)(1)(C), which allows for a court order transferring a disputed domain to the  
24 owner of the trademark contained in the disputed domain. (*Id.* ¶ 7.)

25           3. Plaintiff does not request an award of monetary damages or costs incurred in  
26 bringing this action. (*Id.*)  
27  
28

1 Pursuant to 15 U.S.C. §1125(d)(1)(C), the Court should order the transfer of the  
2 domain name QUICKLEARNING.COM to Plaintiff, the rightful owner of the  
3 QUICKLEARNING trademark and QUICKLEARNING.COM domain name.

4 This Application is based on this Notice, the attached declaration of Deepa  
5 Krishnan, and the pleadings, files and other matters that may be presented at the  
6 hearing.

7  
8 Respectfully Submitted,

9 DATED: March 7, 2008

KRONENBERGER BURGOYNE, LLP

10  
11 /s/

12 Deepa Krishnan  
13 Attorneys for Plaintiff  
14 Quick Learning, LLC.  
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**DECLARATION OF DEEPA KRISHNAN**

I, Deepa Krishnan, declare as follows:

1. I am an attorney with Kronenberger Burgoyne, LLP, counsel to Plaintiff Quick Learning, LLC ("Quick Learning") in this action. Except as otherwise stated, I have personal knowledge of the facts stated herein and could and would competently testify thereto.

2. Prior to filing the Complaint in this action, I and my colleagues reviewed the available WHOIS records for the Defendant domain QUICKLEARNING.COM ("Defendant"). The records revealed that QUICKLEARNING.COM is privately registered with the domain name registrar, Moniker Online Services, LLC ("Moniker"). Thus, the WHOIS records for the Defendant domain state the registrant to be "Moniker Privacy Services" ("Moniker Privacy").

3. Accordingly, on December 6, 2007, our office sent a notice to Moniker Privacy, pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II). We sent the same notice to the domain name registrar, Moniker. The statute pursuant to which we sent the notice says, in pertinent part:

The owner of a mark may file an *in rem* civil action against a domain name in the judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located if the court finds that the owner through due diligence was not able to find a person who would have been a defendant...by sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and publishing notice of the action as the court may direct promptly after filing the action.

In our notice sent pursuant to the above, we additionally asked Moniker and Moniker Privacy (collectively, the "Moniker Entities") to reveal the name of any other registrant, but to date, the Moniker Entities have failed to do so. On December 21, 2007, Quick Learning filed its *in rem* Complaint against Defendant. On December 28, 2007, Quick Learning served the Complaint and Summons on the registrant of record, Moniker

1 Privacy, via Certified Mail, First Class Mail, Federal Express, and e-mail, at the contact  
2 information provided publicly by the Defendant domain's registrar, pursuant to the service  
3 requirement under 15 U.S.C. § 1125(d)(2)(A). This matter was assigned to U.S.  
4 Magistrate Judge Howard R. Lloyd.

5 4. A true and correct copy of the Proof of Service, describing the above, was  
6 filed with the Court on January 23, 2008. No party answered, made an appearance, or  
7 filed any other responsive pleading in the Action.

8 5. A Clerk's default was entered on January 31, 2008. A true and correct  
9 copy of the Entry of Default is attached hereto as Exhibit "A".

10 6. On February 11, 2008, Quick Learning filed its Consent to Proceed Before  
11 a U.S. Magistrate Judge. On February 12, 2008, Quick Learning filed an Application for  
12 Default Judgment. On March 3, 2008, this Action was reassigned to Judge Marilyn Hall  
13 Patel for all further proceedings.

14 7. This action involves a claim for injunctive relief by Plaintiff against the  
15 defendant domain name QUICKLEARNING.COM under 15 U.S.C. §1125(d)(1)(C), which  
16 allows for a court order transferring a disputed domain name to the owner of the  
17 trademark contained in the disputed domain. Plaintiff does not request an award of  
18 monetary damages or costs incurred in bringing this action.

19 8. Neither QUICKLEARNING.COM nor, upon information and belief, the  
20 registrant of the Domain, is an infant, incompetent person, or a person in military service  
21 or otherwise exempted from default judgment under Soldiers' and Sailors' Civil Relief Act  
22 of 1940.

23 I declare under penalty of perjury under the laws of the United States of America  
24 that the foregoing is true and correct and that this Declaration was executed on March 7,  
25 2008, in San Francisco, California.

26 /s/

27 \_\_\_\_\_  
Deepa Krishnan

**Exhibit A**

**UNITED STATES DISTRICT COURT  
Northern District of California  
280 South First Street  
San Jose, California 95113**

[www.cand.uscourts.gov](http://www.cand.uscourts.gov)

Richard W. Wieking  
Clerk

General Court Number  
408.535.5364

January 31, 2008

RE: CV 07-06456 HRL      QUICK LEARNING, LLC.-v- QUICKLEARNING.COM

Default is entered as to Defendant Qucklearning.Com on January 31, 2008.

RICHARD W. WIEKING, Clerk

by Betty Walton  
Case Systems Administrator

**PROOF OF SERVICE**

I am a resident of the state of California, over the age of eighteen years and not a party to this action. My business address is 150 Post Street, Suite 520, San Francisco, California, 94108.

On March 7, 2008, I served the following document(s):

1. **NOTICE OF APPLICATION AND APPLICATION FOR DEFAULT JUDGMENT BY COURT; DECLARATION OF DEEPA KRISHNAN IN SUPPORT THEREOF**
2. **[PROPOSED] DEFAULT JUDGMENT**

on the parties listed below as follows:

Moniker Online Services, LLC  
20 SW 27 Ave., Suite 201  
Pompano Beach, FL 33069  
Fax: (954) 969-9155  
Email: [support@moniker.com](mailto:support@moniker.com)

Moniker Privacy Services  
20 SW 27 Ave., Suite 201  
Pompano Beach, FL 33069-1925  
Fax: (954) 969-9155  
Email: [support@moniker.com](mailto:support@moniker.com)

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BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in San Francisco, California, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

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BY EMAIL, to the address listed above.

☐

BY OVERNIGHT MAIL, via Federal Express.

☐

BY CERTIFIED MAIL.

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(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Adam Schneider